

## 08.01.01.B1 Civil Rights Compliance

Approved September 20, 2019

Revised August 14, 2020

Next Scheduled Review: August 14, 2025

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### Rule Summary

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This rule supplements The Texas A&M University System (A&M System) System Regulation 08.01.01, *Civil Rights Compliance*, and designates the official contacts for the receipt, investigation, and resolution of complaints of alleged or suspected discrimination as required by A&M System Regulation 08.01.01. The provisions of this rule apply to all agency work locations and to all agency-sponsored events. Employees, paid and unpaid interns, volunteers and contingent workers are subject to these provisions.

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### Rule

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#### 1. EMPLOYEE/REPORTER RESPONSIBILITIES

- 1.1 Employees, interns and contractors have responsibility for ensuring compliance with civil rights law and related agency and system policies.
- 1.2 When alleged or suspected discrimination is experienced by, observed by or made known to an employee, the employee is responsible for promptly reporting that information to the agency's **Chief Human Resources Officer (CHRO)**. The Division will dismiss an employee if, in accordance with its applicable disciplinary processes, the member determines that the employee knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made a report that is false.
- 1.3 If an intern or contractor believes that he/she has been the target of alleged or suspected discrimination, from any employee, intern or contractor in their chain of command, including their immediate supervisor, the intern or contractor is strongly encouraged to promptly report the alleged or suspected discrimination to the **Chief Human Resources Officer**.
- 1.4 Should any alleged or suspected discrimination continue or restart after a complaint has been made or after an investigation has been concluded, the employee, intern or contractor shall notify the **Chief Human Resources Officer**.
- 1.5 All employees, interns and contractors must cooperate fully with those performing an investigation pursuant to this rule. No employee, intern or contractor may retaliate

against another person for filing a complaint or for participating in an investigation. Employees, interns and contractors failing to cooperate with an investigation may be subject to discipline up to and including dismissal. Employees, interns and contractors intentionally providing false or materially misleading information regarding alleged discrimination, or who tamper, alter or destroy documentation or other evidence relevant to an investigation may be disciplined up to and including dismissal. Employees, interns and contractors found to have committed retaliatory conduct will also be subject to discipline up to and including dismissal.

## 2. MANAGEMENT RESPONSIBILITIES

- 2.1 The Chief of the Division designates the Chief Human Resources Officer as the contact person responsible for overseeing its civil rights protection program. The Human Resources Division is designated by the Chief to receive and investigate all complaints involving an employee or third-party respondent.
- 2.2 The Chief of the Division designates the Chief Human Resources Officer as the Division's Title IX Coordinator. The contact of the Title IX Coordinator is: [maggie.freeman@tdem.texas.gov](mailto:maggie.freeman@tdem.texas.gov).
- 2.3 The Chief of the Division designates the following employees as having authority to institute corrective measures: Deputy Chief, Chief Operating Officer, Chief Financial Officer, Chief Human Resources Officer, and Title IX Coordinator. An employee with authority to institute "corrective measures" means an employee with authority to redress harassment for complaints involving only Title IX and sex-based misconduct.
- 2.4 Upon receipt of any oral or written complaint concerning alleged or suspected discrimination or upon witnessing a situation involving alleged or suspected discrimination, **a supervisor or manager shall immediately notify the Chief Human Resources Officer (CHRO)**. Failure to notify Human Resources may result in disciplinary action, up to and including dismissal. The CHRO will also notify the Chief of any complaints received.
- 2.5 The supervisor or manager shall also notify division management immediately after notifying the CHRO. Division management shall not formally or informally investigate allegations of discrimination.
- 2.6 Only certain employees may keep complaints of discrimination confidential, such as licensed health care personnel and sexual assault advocate acting in this capacity as part of their official employment. If an employee wishes to keep his or her complaint completely confidential, he or she should arrange an appointment with a licensed counselor in the Employee Assistance Program at: 1-866-301-9623 or <http://www.guidanceresources.com>. All other employees informed of possible discrimination should advise the reporter that they cannot keep the information confidential and are required to report it.

## 3. CIVIL RIGHTS COMPLAINT REPORTING



- 3.1 The Texas A&M University System Ethics and Compliance Office (SECO) is designated to receive, review, investigate, and adjudicate complaints against the Chief or individuals who report directly to the Chief.
- 3.2 The filing of a discrimination complaint will not stop, delay or affect pending personnel or disciplinary actions. This includes personnel evaluations, performance improvement plans, or disciplinary actions related to performance expectations.
- 3.3 Complaints of alleged or suspected discrimination must contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.
- 3.4 The Human Resources Division will promptly notify the Chief, SECO, and the System Office of General Counsel of the receipt of discrimination complaints.
- 3.5 Complainants and respondents may, at any time, file a complaint with any local, state or federal civil rights office, including, but not limited to, the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, and the U.S. Department of Justice.

#### **4. INVESTIGATIONS**

- 4.1 Upon receipt of a complaint, the Human Resources Division is responsible for investigating the complaint in accordance with section 4.2 of System Regulation 08.01.01.
- 4.2 The Human Resources Division and the investigator(s) will, to the extent possible, protect the privacy of the information received prior to, during, and as a result of the investigation. The expressed wishes of the complainant will be considered in the context of the agency's obligation to act upon the complaint, the right of the respondent to be informed, and the safety of employees and the public.

#### **5. DECISIONS**

The Chief or designee shall assign an individual to serve as the designated administrator for complaints under sections 4.2 and 4.3 of System Regulation 08.01.01.

#### **6. SANCTIONS**

The designated administrator will make a determination regarding the responsibility for each allegation and impose any disciplinary sanctions on the respondent. Examples of sanctions may include, but are not limited to, a reprimand, required training, temporary suspension with or without pay, reassignment, demotion, or any disciplinary action up to and including dismissal from employment. When an employee is found to have sexually harassed (as defined by A&M System Regulation 08.01.01) another member of the agency community, the sanction will be termination of employment.

#### **7. APPEALS**

##### **7.1 Appeal of Sanctions – Allegations of Sex Discrimination**

- A. The designated administrator's decision and/or sanctions with respect to allegations of sex discrimination can be appealed by the claimant(s) and/or the respondent(s), but only on the bases outlined in A&M System Regulation 08.01.01.
- B. Appeals are filed by completing the form provided by the Human Resources Division and delivering the form to Human Resources Division within five (5) business days of receipt of the findings or sanction. An appeal delivered to Human Resources Division later than five (5) business days after receipt of the findings or sanction may be deemed untimely filed and dismissed.
- C. The Division's Chief Operating Officer or designee will serve as the appellate authority under section 4.5 of System Regulation 08.01.01.

## 7.2 Appeal of Sanctions – Allegations of Discrimination or Retaliation Not Based on Sex

When an allegation of discrimination and/or related retaliation not based on sex is substantiated, the respondent may appeal the sanction, but not the finding, in accordance with A&M System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees.

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## Related Statutes, Policies, or Requirements

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- [Texas A&M System Policy 08.01, Civil Rights Protections and Compliance](#)
- [Texas A&M System Regulation 08.01.01, Civil Rights Compliance](#)
- [Texas A&M System Policy 32.01, Employee Complaint and Appeal Procedures](#)
- [Texas A&M System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees](#)
- [Texas A&M System Policy 32.02, Discipline and Dismissal of Employees](#)
- [Texas A&M System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees](#)
- [Title 29, Code of Federal Regulations, Section 1604](#)

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## Contact Office

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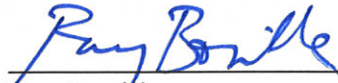
- Texas Division of Emergency Management Office of the Chief Operating Officer
- (512) 424-5353

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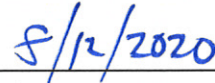
## System Approvals

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**Approved for Legal Sufficiency:**

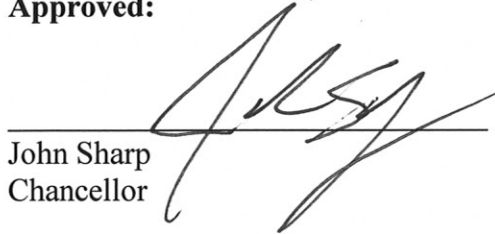


Ray Bonilla  
General Counsel

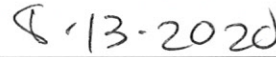


Date

**Approved:**



John Sharp  
Chancellor



Date